

LOCAL RULES OF PRACTICE FOR THE DUBOIS CIRCUIT COURT AND DUBOIS SUPERIOR COURT, 19th JUDICIAL CIRCUIT

LR19-TR79 (H) - 1

APPOINTMENT OF SPECIAL JUDGE IN CIVIL CASES

Pursuant to Indiana Trial Rule 79(H), the Dubois Circuit Court and the Dubois Superior Court hereby adopt the following local rule for the appointment of a special judge upon approval by the Indiana Supreme Court.

1. In the event a Special Judge must be appointed under Trial Rule 79(H), one of the following Judges who have agreed to serve as a Special Judge in the Dubois Circuit Court and Dubois Superior Court shall be appointed, to-wit:

Judge Lucy Goffinet (Perry Circuit Court)
Judge Wayne A. Roelle (Spencer Circuit Court)
Judge R. Joseph Howell (Martin Circuit Court)
Judge Robert Arthur (Daviess Circuit Court)
Judge Dean A. Sobecki (Daviess Superior Court)
Judge David O. Kelley (Warrick Circuit Court)
Judge Keith A. Meier (Warrick Superior Court)
2. The Dubois Circuit Court and Dubois Superior Court shall alternately select the Judge to be appointed, on a rotating basis, from the above list of judges; each Judge shall be appointed on an equal number of cases.
3. If no Judge specified under this rule is eligible to serve as Special Judge or the particular circumstances of a case warrants selection of a Special Judge by the Indiana Supreme Court, the case shall be certified to the Indiana Supreme Court for appointment of a Special Judge. (Trial Rule 79(H)(3)).

ASSIGNMENT OF CASES

Pursuant to current policy, all cases which involve juveniles, domestic violence, and check deception shall be filed in Dubois Circuit Court. All cases involving traffic-related offenses, conservation violations, and all alcohol-related offenses shall be filed in Dubois Superior Court.

In addition, beginning July 1, 1995, the following categories of charges shall be filed in the Dubois Circuit Court and Dubois Superior Court respectively:

DUBOIS CIRCUIT COURT

Homicide
Mischief
Burglary
Trespass
Forgery
Battery
Kidnapping
Sex Crimes
Robbery
Crimes Against
Public Administration
Bribery and Other Official
Misconduct
Perjury
Interference With
Governmental Operations
Article 46 - Miscellaneous
Offenses
Weapons and Violence

DUBOIS SUPERIOR COURT

Arson
Theft
Home Improvement Fraud
Offenses Against Public Health, Order
and Decency
Public Order
Communications
Pollution
Public Indecency
Prostitution
Gambling
Racketeering
Loansharking
Gang Control
Stalking
Controlled Substances
Obscenity and Pornography

In the event of dismissal and re-filing of a criminal case, it shall be re-filed in the same court in which it was originally filed.

COURT REPORTER SERVICES

The undersigned courts comprise all of the courts of record of Dubois County, Indiana, and hereby adopt the following local rule by which court reporter services shall be governed:

Section One – Definitions:

The following definitions shall apply under this local rule:

- (1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court, including preparing a transcript of the record.
- (2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording, storing, and transcribing electronic data.
- (3) Work Space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) Page means the page unit of transcript which results when a recording is transcribed in the form required by Indiana Rules of Appellate Procedure.
- (5) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rules of Trial Procedure 74.
- (6) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week.
- (7) Gap hours worked means those hours worked that are in excess of the regular hours worked, but hours not in excess of forty (40) hours per work week.
- (8) Overtime hours worked means those worked in excess of forty (40) hours per work week.
- (9) Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e., Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
- (10) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Dubois County.
- (11) County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (12) State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (13) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.

Section Two – Salaries and Per Page Fees:

- (1) Court Reports shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter a written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e., monetary compensation or compensatory time off regular work hours.
- (2) The maximum per page fee for a court reporter for the preparation of a county indigent transcript shall be \$3.50 per page. However, if the transcript is prepared for appeal purposes, the maximum per page fee shall be \$4.00. The court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.
- (3) The maximum per page fee for a court reporter for the preparation of a state indigent transcript shall be \$3.50 per page. However, if the transcript is to be prepared for appeal purposes, the maximum per page fee shall be \$4.00.
- (4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be \$3.50 per page. However, if the transcript is to be prepared for appeal purposes, the maximum per page fee shall be \$4.00.
- (5) An additional labor charge approximating the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent in binding a transcript and exhibit binders for appeal purposes.
- (6) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent, or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

Section Three – Private Practice:

- (1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into an agreement which must, at the minimum, designate the following:
 - (a) The reasonable market rate for the use of equipment, work space and supplies;
 - (b) The method by which records are to be kept for the use of equipment, work space and supplies; and
 - (c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
- (2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

LR19-AR1 - 4**CASELOAD ALLOCATION**

In order to ensure an even distribution of judicial workload between the two Courts in Dubois County, pursuant to Administrative Rule 1, the Courts are adopting the local rule as follows:

1. Dubois Circuit Court shall have exclusive jurisdiction of all probate and juvenile matters;
2. Dubois Superior Court shall have exclusive jurisdiction of all traffic and small claims cases;
3. Both Courts shall have concurrent jurisdiction for all other cases.

LR19-JR4 - 5**SUMMONING JURORS**

Pursuant to Jury Rule 4, the Dubois Circuit and Superior Courts choose, by local rule, "The Two Tier notice and summons" procedure, as its procedure for summoning jurors. (Jury Rule 4b).

SCHEDULE OF FEES FOR COURT ALCOHOL & DRUG PROGRAM SERVICES

The schedule of fees set forth under Indiana Code 33-37-4-1 and Indiana Code 35-38-2-1 shall be applicable in all alcohol and drug cases.

In addition, the following schedule of fees shall be applicable in all cases referred to the Court Alcohol and Drug Program:

Assessment	\$150.00
Basic Substance Abuse Information Course	\$150.00
Comprehensive Substance Abuse Education Course	\$200.00
Transfer Fee	\$100.00
Drug Screens	\$ 25.00
Case Management Fee	\$ 50.00
Missed Appointment Fee	\$ 15.00
Program Material Fee	\$ 10.00

The foregoing Rule shall become effective April 1, 2007 or as soon thereafter as it is determined that compliance with the provisions of Administrative Rule 81(B) (1) and 81(D) has been accomplished.